

## REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claim 14 has been amended in this paper. Therefore, claims 1-16 are pending. Of these claims, claims 14-16 are non-elected claims, as explained further below. Accordingly, claims 1-13 are under active consideration.

The Patent Office sets forth the following restriction requirement in the outstanding Office Action:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13, drawn to a securing nut, classified in class 411, subclass 7.

II. Claims 14-16, drawn to a method of making a securing nut, classified in class 470.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product does not required pressed and the wall thickness subsequently adjusted.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

In response to the foregoing restriction requirement, Applicant respectfully elects Group I, claims 1-13. The foregoing election, however, is made with traverse for the reason that it is respectfully submitted that, if restriction were not performed, the search and examination of all of the involved claims would not pose a serious burden on the examiner. MPEP 803 requires that, for restriction to be proper, (i) the inventions must be independent or distinct; **and** (ii) there must be a serious burden on the examiner to search and examine the entire application. In the present case, Applicant respectfully submits that the search and examination of all of the involved claims would not pose a serious burden on the examiner. Accordingly, in view of the above, Applicant respectfully submits that the foregoing restriction requirement should be withdrawn.


In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.


Respectfully submitted,

Kriegsman & Kriegsman

By:   
Edward M. Kriegsman  
Reg. No. 33,529  
665 Franklin Street  
Framingham, MA 01702  
(508) 879-3500

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 12, 2004

  
Edward M. Kriegsman  
Reg. No. 33,529  
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